

For the Northern District of California

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4 GENERAL NUTRITION CORPORATION,

5 v.  
6 Plaintiff, No. C06-2780 EMC

7 MERCEDES NAVARRO,  
8 Defendant.

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10 **AMENDED CASE MANAGEMENT  
11 CONFERENCE ORDER**

12 [Reassigned Case]  
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14 CASE MANAGEMENT CONFERENCE

15 TO ALL PARTIES AND COUNSEL OF RECORD:

16 The above matter having been reassigned to the Honorable Edward M. Chen, for trial and all  
further proceedings,

17 IT IS HEREBY ORDERED that, pursuant to Federal Rules of Civil Procedure 16 and Civil  
18 Local Rules 16-10, a Case Management Conference will be held in this case before the Honorable  
19 Edward M. Chen on **November 22, 2006, at 1:30 p.m.**, in Courtroom C, 15th Floor, U.S. District  
20 Court, 450 Golden Gate Avenue, San Francisco, California. **The parties are required to appear in**  
21 **court at 1:00 p.m., thirty (30) minutes prior to the Case Management Conference, to discuss**  
22 **the case with one another including disclosure of relevant information and any possibilities for**  
23 **settlement.**

24 1. Plaintiff(s) shall serve copies of this Order and the Court's Standing Orders at once  
25 on all parties to this action, and on any parties subsequently joined, in accordance with the provisions  
26 of Fed. R. Civ. P. 4 and 5. Following service, Plaintiff(s) shall file a certificate of service with the  
27 Clerk of Court.

## United States District Court

For the Northern District of California

1        2. Lead trial counsel who will try this case are directed to confer in advance of the Case  
2 Management Conference with respect to the subjects detailed in Fed. R. Civ. P. 16(c), 26(f), and all  
3 of the agenda items listed below. Not less than seven (7) days before the conference, counsel shall  
4 file a Joint Case Management Conference Statement and Proposed Order (see attached form) in  
5 compliance with Local Rule 16-9. All documents filed with the Clerk of Court shall list the civil  
6 case number followed only by the initials "EMC." One copy shall be clearly marked as "EMC  
7 Chambers' Copy." Failure to file a Joint Case Management Conference Statement, without good  
8 cause, may subject a party to sanctions.

9        3. Each party shall be represented at the Case Management Conference by lead trial  
10 counsel (or a party if *in pro se*) prepared to address all of the matters referred to in this Order, and  
11 with authority to enter stipulations and make admissions pursuant to this Order.

12        4. Any request to reschedule the above dates should be made in writing, and by  
13 stipulation, if possible, not less than ten (10) days before the conference date. Good cause must be  
14 shown.

15        5. Lead trial counsel should be prepared to address and resolve at the Case Management  
16 Conference the matters set forth in the Joint Case Management Conference Statement and any other  
17 matters described in Fed. R. Civ. P. 16(b) and (c). **In addition**, counsel should be prepared to  
18 address the following:

- 19            a) The factual and legal bases for Plaintiff's claims, Defendant's defenses,  
20 Defendant's counterclaims and the defenses to those counterclaims;
- 21            b) Any related proceedings, including any administrative proceedings, and any  
22 related cases pending before other judges of this court or before any other court;
- 23            c) A brief summary of the proceedings to date, including whether or not there  
24 has been full compliance with the initial disclosure requirements of Fed. R. Civ. P. 26 and, in patent  
25 cases, the schedule for compliance with Patent Local Rules 3-1 through 4-6;
- 26            d) A description of all pending motions and their current status;
- 27            e) A description of all motions expected before trial;

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1                         f)       The extent to which evidentiary, claim construction, or class certification  
2 hearings are anticipated;

3                         g)       The scope of discovery to date and, separately, the scope of anticipated  
4 discovery, including limits that should be imposed on discovery and a proposed discovery plan  
5 pursuant to Fed. R. Civ. P. 26(f);

6                         h)       The extent to which any special discovery or other problems or issues have  
7 arisen or are expected;

8                         i)       What damages and other relief are sought and what method is used to compute  
9 such damages;

10                       j)       The extent to which a special master should be involved in the case;

11                       k)       A service list for all counsel that includes telephone and fax numbers; and

12                       l)       Such other matters as any party considers conducive to the just, speedy and  
13 inexpensive determination of this action.

14                 6.       Failure to comply with this Order, or provisions of the Fed. R. Civ. P. 16 and 26(f) or  
15 the provisions of Civil L. R. 16-10 may be grounds for sanctions. (See Fed. R. Civ. P. 16(f)).

16                       IT IS SO ORDERED.

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18                       Dated: September 19, 2006



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21                       EDWARD M. CHEN  
22                       United States Magistrate Judge  
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